EXHIBIT 10

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and DIGITAL POINT SOLUTIONS, INC.

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

EBAY, INC., Plaintiff, v. DIGITAL POINT SOLUTIONS, INC., SHAWN HOGAN, KESSLER'S FLYING CIRCUS, THUNDERWOOD HOLDINGS, INC., TODD DUNNING, DUNNING ENTERPRISE, INC., BRIAN DUNNING, BRIANDUNNING.COM, and Does 1-20, Defendants.	Case No. CV 08-04052 JF PVT **DEFENDANT DIGITAL POINT SOLUTIONS, INC.'S RESPONSES TO PLAINTIFF'S REQUESTS FOR PRODUCTION (SET ONE)**

PROPOUNDING PARTY: Plaintiff EBAY, INC.

RESPONDING PARTY: Defendant DIGITAL POINT SOLUTIONS, INC.

SET NUMBER: One

Defendant DIGITAL POINT SOLUTIONS, INC. ("Defendant") hereby responds to the Plaintiff EBAY, INC.'s ("Plaintiff's") First Set of Requests for Production, as follows:

I. PRELIMINARY STATEMENT

Defendant SHAWN HOGAN ("Mr. Hogan") has asserted his privilege against self-incrimination under the Fifth Amendment to the United States Constitution (*United States v. Balsys* (1998) 524 U.S. 666, 672; *Lefkowitz v. Turley* (1973) 414 U.S. 70, 77); the Federal Rules of Evidence, Rule 501; the California Constitution, Article 1, Section 15; and California Evidence Code section 940. The provision of any responses by Defendant hereunder shall not be construed to be a waiver of the same.

Defendant further objects because conducting discovery is premature and inappropriate at this time. FBI Special Agent Melanie Adams and Assistant United States Attorney Kyle F. Walding inform that Defendant is the subject of a grand jury investigation and that it is anticipated that criminal charges will be filed. Upon the transfer of this action to the appropriate forum, Defendant intends to seek a stay of this action (and/or any other appropriate relief), including a stay of all discovery in this matter, pending the resolution of any potential criminal proceedings and/or until the statute of limitations on any such criminal proceedings has run. To the extent Mr. Hogan determines that there is no longer a threat of criminal prosecution and/or elects to withdraw his assertion of the privilege against self-incrimination, Defendant expressly reserves the right to supplement these responses accordingly (in whole or in part), and to object to the use or disclosure of the following responses for any purpose whatsoever.

Defendant further objects to the subject interrogatories in that Defendant's Motion to Dismiss Plaintiff's First Amended Complaint was granted with leave to amend as to Plaintiff's claims under the Racketeer Influenced and Corrupt Organizations Act and other fraud-based claims and discovery is therefore premature. *Williams v. WMX Technologies, Inc.*, 112 F.3d 175, 178 (5th Cir. 1997) (in fraud cases, the requisite elements must be adequately laid out "*before* access to the discovery process is granted." (emphasis in original)).

Defendant further objects to the definitions set forth in Plaintiff's requests as compound, vague and ambiguous; these objections further include, but are not limited to, the following: "DPS" is overbroad, unduly burdensome and oppressive in that it purports to apply to third parties collectively and/or individually, to information subject to the attorney-client privilege, and purports to seek responses from Mr. Hogan as phrased. "eBay" is further unduly burdensome and oppressive in that the phrases "eBay's internationally operated websites," and "any and all divisions, subdivisions, departments or subsidiaries of eBay" reference information that is within Plaintiff's control and/or is unknown to Defendant. Defendant further objects because the term "Cookie Stuffing" is vague and ambiguous

Defendant incorporates each of the foregoing objections in Defendant's responses below.

II. RESPONSES

REQUEST FOR PRODUCTION NO. 1

All documents relating to eBay, including all agreements, terms of service and terms and conditions.

Response to Request for Production No. 1:

Objection. This request, including the use of the definitions provided for "DPS" and "eBay," is vague and ambiguous, overbroad, and unduly burdensome and oppressive. Defendant further objects because this request may be construed to seek the production and inspection of documents which are privileged from disclosure by the attorney-client relationship and/or the attorney work product doctrine. Defendant further objects because this request may be construed to seek the production and inspection of documents which contain proprietary/confidential information. Defendant further objects because Mr. Hogan, as the sole shareholder of Defendant and the only person with authority to verify responses on the corporation's behalf, has invoked his privilege against self incrimination under the Fifth Amendment to the United States Constitution; the Federal Rules of Evidence, Rule 501; the California Constitution, Article 1, Section 15; and California Evidence Code section 940. Further, Defendant incorporates the above Preliminary Statement herein by reference in full.

REQUEST FOR PRODUCTION NO. 2

All documents relating to, or Communications with, eBay or any current or former employee of eBay.

Response to Request for Production No. 2:

Objection. This request, including the use of the definitions provided for "DPS" and "eBay," is vague and ambiguous, overbroad, and unduly burdensome and oppressive. Defendant further objects because this request may be construed to seek the production and inspection of documents which are privileged from disclosure by the attorney-client relationship and/or the attorney work product doctrine. Defendant further objects because this request may be construed to seek the production and inspection of documents which contain proprietary/confidential information. Defendant further objects because Mr. Hogan, as the sole shareholder of Defendant and the only person with authority to verify responses on the corporation's behalf, has invoked his privilege against self incrimination under the Fifth Amendment to the United States Constitution; the Federal Rules of Evidence, Rule 501; the California Constitution, Article 1, Section 15; and California Evidence Code section 940. Further, Defendant incorporates the above Preliminary Statement herein by reference in full.

REQUEST FOR PRODUCTION NO. 3

All documents relating to payment of commissions or other revenue obtained by DPS through participation in, interaction with or manipulation of eBay's Affiliate Marketing Program.

Response to Request for Production No. 3:

Objection. This request, including the use of the definitions provided for"DPS" and "eBay," is vague and ambiguous, overbroad, and unduly burdensome and oppressive. Defendant further objects because this request is compound and argumentative with respect to the term "manipulation." Defendant further objects because this request may be construed to seek the production and inspection of documents which are privileged from disclosure by the attorney-client relationship and/or the attorney work product doctrine. Defendant further objects because this request may be construed to seek the production and inspection of documents which contain proprietary/confidential information. Defendant further objects because Mr. Hogan, as the sole shareholder of Defendant and the only person with authority to verify responses on the corporation's behalf, has invoked his privilege against self incrimination under the Fifth Amendment to the United States Constitution; the Federal Rules of Evidence, Rule 501; the California Constitution, Article 1, Section 15; and California Evidence Code section 940. Further, Defendant incorporates the above Preliminary Statement herein by reference in full.

REQUEST FOR PRODUCTION NO. 4

All documents relating to eBay's Affiliate Marketing Program, including, but not limited to, all methods and technologies used by DPS to obtain revenue from, manipulate or otherwise interact with eBay's Affiliate Marketing Program, including, but not limited to, all software, source code, Javascript, and HTML code.

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Response to Request for Production No. 4:

Objection. This request, including the use of the definitions provided for"DPS" and "eBay," is vague and ambiguous, overbroad, and unduly burdensome and oppressive. Defendant further objects because this request is compound, and is argumentative with respect to the term "manipulate." Defendant further objects because this request may be construed to seek the production and inspection of documents which are privileged from disclosure by the attorney-client relationship and/or the attorney work product doctrine. Defendant further objects because this request may be construed to seek the production and inspection of documents which contain proprietary/confidential information. Defendant further objects because Mr. Hogan, as the sole shareholder of Defendant and the only person with authority to verify responses on the corporation's behalf, has invoked his privilege against self incrimination under the Fifth Amendment to the United States Constitution; the Federal Rules of Evidence, Rule 501; the California Constitution, Article 1, Section 15; and California Evidence Code section 940. Further, Defendant incorporates the above Preliminary Statement herein by reference in full.

REQUEST FOR PRODUCTION NO. 5

All documents relating to advertisements for eBay used, or purported to be used, on any website or ad network that directed or referred Users to eBay as part of eBay's Affiliate Marketing Program.

Response to Request for Production No. 5:

Objection. This request, including the use of the definitions provided for "DPS" and "eBay," is vague and ambiguous, overbroad, and unduly burdensome and oppressive. Defendant further objects because this request may be construed to seek the production and inspection of documents which are privileged from disclosure by the attorney-client relationship and/or the attorney work product doctrine. Defendant further objects because this request may be construed to seek the production and inspection of documents which contain proprietary/confidential information. Defendant further objects because Mr. Hogan, as the sole shareholder of Defendant and the only person with authority to verify responses on the corporation's behalf, has invoked his privilege against self incrimination under the Fifth Amendment to the United States Constitution; the Federal Rules of Evidence, Rule 501; the California Constitution, Article 1, Section 15; and California Evidence Code section 940. Further, Defendant incorporates the above Preliminary Statement herein by reference in full.

REQUEST FOR PRODUCTION NO. 6

All documents reflecting the number of Users who allegedly clicked on an advertisement for eBay used, or purported to be used, by DPS to direct or refer Users to eBay as part of eBay's Affiliate Marketing Program.

Response to Request for Production No. 6:

Objection. This request, including the use of the definitions provided for "DPS" and "eBay," is vague and ambiguous, overbroad, and unduly burdensome and oppressive. Defendant further objects because this request may be construed to seek the production and inspection of documents which are privileged from disclosure by the attorney-client relationship and/or the attorney work product doctrine. Defendant further objects because this request may be construed to seek the production and inspection of documents which contain proprietary/confidential information. Defendant further objects because Mr. Hogan, as the sole shareholder of Defendant and the only person with authority to verify responses on the corporation's behalf, has invoked his privilege against self incrimination under the Fifth Amendment to the United States Constitution; the Federal Rules of Evidence, Rule 501; the California Constitution, Article 1, Section 15; and California Evidence Code section 940. Further, Defendant incorporates the above Preliminary Statement herein by reference in full.

REQUEST FOR PRODUCTION NO. 7

All documents relating to methods or techniques intended to, or causing, a User's browser to load any eBay webpage, webpage content or data therefrom.

Response to Request for Production No. 7:

Objection. This request, including the use of the definitions provided for "DPS" and "eBay," is vague and ambiguous, overbroad, and unduly burdensome and oppressive. Defendant further objects because this request may be construed to seek the production and inspection of documents which are privileged from disclosure by the attorney-client relationship and/or the attorney work product doctrine. Defendant further objects because this request may be construed to seek the production and inspection of documents which contain proprietary/confidential information. Defendant further objects because Mr. Hogan, as the sole shareholder of Defendant and the only person with authority to verify responses on the corporation's behalf, has invoked his privilege against self incrimination under the Fifth Amendment to the United States Constitution; the Federal Rules of Evidence, Rule 501; the California Constitution, Article 1, Section 15; and California Evidence Code section 940. Further, Defendant incorporates the above Preliminary Statement herein by reference in full.

REQUEST FOR PRODUCTION NO. 8

All documents sufficient to identify all advertising networks, advertising syndication services or websites used or purportedly used by DPS to advertise or promote eBay or to interact in any way with eBay or eBay's Affiliate Marketing Programs.

Response to Request for Production No. 8:

Objection. This request, including the use of the definitions provided for "DPS" and "eBay," is vague and ambiguous, overbroad, and unduly burdensome and oppressive. Defendant further objects because this request may be construed to seek the production and inspection of documents which are privileged from disclosure by the attorney-client relationship and/or the attorney work product doctrine. Defendant further objects because this request may be construed to seek the production and inspection of documents which contain proprietary/confidential information. Defendant further objects because Mr. Hogan, as the sole shareholder of Defendant and the only person with authority to verify responses on the corporation's behalf, has invoked his privilege against self incrimination under the Fifth Amendment to the United States Constitution; the Federal Rules of Evidence, Rule 501; the California Constitution, Article 1, Section 15; and California Evidence Code section 940. Further, Defendant incorporates the above Preliminary Statement herein by reference in full.

REQUEST FOR PRODUCTION NO. 9

All documents sufficient to identify all Affiliate Marketing Programs, not including eBay's Affiliate Marketing Program, with whom DPS obtained revenue or otherwise interacted.

Response to Request for Production No. 9:

Objection. This request, including the use of the definition provided for "DPS," is vague and ambiguous, overbroad, and unduly burdensome and oppressive. Defendant further objects because this request may be construed to seek the production and inspection of documents which are privileged from disclosure by the attorney-client relationship and/or the attorney work product doctrine. Defendant further objects because this request may be construed to seek the production and inspection of documents which contain proprietary/confidential information. Defendant further objects because this request seeks the production of documents which are neither relevant to the subject matter of this action, nor likely to lead to the discovery of admissible evidence. Defendant further objects because Mr. Hogan, as the sole shareholder of Defendant and the only person with authority to verify responses on the corporation's behalf, has invoked his privilege against self incrimination under the Fifth Amendment to the United States Constitution; the Federal Rules of Evidence, Rule 501; the California Constitution, Article 1, Section 15; and California Evidence Code section 940. Further, Defendant incorporates the above Preliminary Statement herein by reference in full.

REQUEST FOR PRODUCTION NO. 10

All documents relating to and/or describing methods and techniques used by any other Affiliate Marketing Program that DPS interacted with, participated in or manipulated.

Response to Request for Production No. 10:

Objection. This request, including the use of the definition provided for "DPS," is vague and ambiguous, overbroad, and unduly burdensome and oppressive. Defendant further objects because this request is compound, and argumentative with respect to the term "manipulated." Defendant further objects because this request may be construed to seek the production and inspection of documents which are privileged from disclosure by the attorney-client relationship and/or the attorney work product doctrine. Defendant further objects because this request may be construed to seek the production and inspection of documents which contain proprietary/confidential information. Defendant further objects because this request seeks the production of documents which are neither relevant to the subject matter of this action, nor likely to lead to the discovery of admissible evidence. Defendant further objects because Mr. Hogan, as the sole shareholder of Defendant and the only person with authority to verify responses on the corporation's behalf, has invoked his privilege against self incrimination under the Fifth Amendment to the United States Constitution; the Federal Rules of Evidence, Rule 501; the California Constitution, Article 1, Section 15; and California Evidence Code section 940. Further, Defendant incorporates the above Preliminary Statement herein by reference in full.

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REQUEST FOR PRODUCTION NO. 11

All documents sufficient to identify the source of any technology, technique or method used by DPS to participate in, manipulate or interact with eBay Affiliate Marketing Program, or any other Affiliate Marketing Program.

Response to Request for Production No. 11:

Objection. This request, including the use of the definitions provided for "DPS" and "eBay," is vague and ambiguous, overbroad, and unduly burdensome and oppressive. Defendant further objects because this request is compound, and argumentative with respect to the term "manipulate." Defendant further objects because this request may be construed to seek the production and inspection of documents which are privileged from disclosure by the attorney-client relationship and/or the attorney work product doctrine. Defendant further objects because this request may be construed to seek the production and inspection of documents which contain proprietary/confidential information. Defendant further objects because this request seeks the production of documents which are neither relevant to the subject matter of this action, nor likely to lead to the discovery of admissible evidence. Defendant further objects because Mr. Hogan, as the sole shareholder of Defendant and the only person with authority to verify responses on the corporation's behalf, has invoked his privilege against self incrimination under the Fifth Amendment to the United States Constitution; the Federal Rules of Evidence, Rule 501; the California Constitution, Article 1, Section 15; and California Evidence Code section 940. Further, Defendant incorporates the above Preliminary Statement herein by reference in full.

REQUEST FOR PRODUCTION NO. 12

All documents sufficient to identify any individuals, groups, books, manuals or other materials consulted by DPS while developing any technology, technique or method used by DPS to participate in, manipulate or interact with the eBay Affiliate Marketing Program, or any other Affiliate Marketing Program.

Response to Request for Production No. 12:

Objection. This request, including the use of the definitions provided for "DPS" and "eBay," is vague and ambiguous, overbroad, and unduly burdensome and oppressive. Defendant further objects because this request is compound, and argumentative with respect to the term "manipulate." Defendant further objects because this request may be construed to seek the production and inspection of documents which are privileged from disclosure by the attorney-client relationship and/or the attorney work product doctrine. Defendant further objects because this request may be construed to seek the production and inspection of documents which contain proprietary/confidential information. Defendant further objects because this request seeks the production of documents which are neither relevant to the subject matter of this action, nor likely to lead to the discovery of admissible evidence. Defendant further objects because Mr. Hogan, as the sole shareholder of Defendant and the only person with authority to verify responses on the corporation's behalf, has invoked his privilege against self incrimination under the Fifth Amendment to the United States Constitution; the Federal Rules of Evidence, Rule 501; the California Constitution, Article 1, Section 15; and California Evidence Code section 940. Further, Defendant incorporates the above Preliminary Statement herein by reference in full.

REQUEST FOR PRODUCTION NO. 13

All documents relating to Commission Junction, including all agreements, terms of service and terms and conditions.

Response to Request for Production No. 13:

Objection. This request, including the use of the definitions provided for "DPS" and "Commission Junction," is vague and ambiguous, overbroad, and unduly burdensome and oppressive. Defendant further objects because this request may be construed to seek the production and inspection of documents which are privileged from disclosure by the attorney-client relationship and/or the attorney work product doctrine. Defendant further objects because this request may be construed to seek the production and inspection of documents which contain proprietary/confidential information. Defendant further objects because Mr. Hogan, as the sole shareholder of Defendant and the only person with authority to verify responses on the corporation's behalf, has invoked his privilege against self incrimination under the Fifth Amendment to the United States Constitution; the Federal Rules of Evidence, Rule 501; the California Constitution, Article 1, Section 15; and California Evidence Code section 940. Further, Defendant incorporates the above Preliminary Statement herein by reference in full.

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REQUEST FOR PRODUCTION NO. 14

All documents relating to, or Communications with, Commission Junction or any current or former employee of Commission Junction.

Response to Request for Production No. 14:

Objection. This request, including the use of the definitions provided for "DPS" and "Commission Junction," is vague and ambiguous, overbroad, and unduly burdensome and oppressive. Defendant further objects because this request may be construed to seek the production and inspection of documents which are privileged from disclosure by the attorney-client relationship and/or the attorney work product doctrine. Defendant further objects because this request may be construed to seek the production and inspection of documents which contain proprietary/confidential information and/or trade secrets. Defendant further objects because Mr. Hogan, as the sole shareholder of Defendant and the only person with authority to verify responses on the corporation's behalf, has invoked his privilege against self incrimination under the Fifth Amendment to the United States Constitution; the Federal Rules of Evidence, Rule 501; the California Constitution, Article 1, Section 15; and California Evidence Code section 940. Further, Defendant incorporates the above Preliminary Statement herein by reference in full.

REQUEST FOR PRODUCTION NO. 15

All documents relating to, or Communications with, Kessler's Flying Circus, Thunderwood Holdings, Inc., Dunning Enterprise, Inc. or briandunning.com.

Response to Request for Production No. 15:

Objection. This request, including the use of the definition provided for "DPS," is vague and ambiguous, compound, overbroad, and unduly burdensome and oppressive. Defendant further objects because this request may be construed to seek the production and inspection of documents which are privileged from disclosure by the attorney-client relationship and/or the attorney work product doctrine. Defendant further objects because this request violates third party privacy rights. Defendant further objects because Mr. Hogan, as the sole shareholder of Defendant and the only person with authority to verify responses on the corporation's behalf, has invoked his privilege against self incrimination under the Fifth Amendment to the United States Constitution; the Federal Rules of Evidence, Rule 501; the

California Constitution, Article 1, Section 15; and California Evidence Code section 940. Further, Defendant incorporates the above Preliminary Statement herein by reference in full.

REQUEST FOR PRODUCTION NO. 16

All Communications with Shawn Hogan, Todd Dunning or Brian Dunning.

Response to Request for Production No. 16:

Objection. This request, including the use of the definition provided for "DPS," is vague and ambiguous, overbroad, and unduly burdensome and oppressive. Defendant further objects because this request may be construed to seek the production and inspection of documents which are privileged from disclosure by the attorney-client relationship and/or the attorney work product doctrine. Defendant further objects because this request violates third party privacy rights. Defendant further objects because Mr. Hogan, as the sole shareholder of Defendant and the only person with authority to verify responses on the corporation's behalf, has invoked his privilege against self incrimination under the Fifth Amendment to the United States Constitution; the Federal Rules of Evidence, Rule 501; the California Constitution, Article 1, Section 15; and California Evidence Code section 940. Further, Defendant incorporates the above Preliminary Statement herein by reference in full.

REQUEST FOR PRODUCTION NO. 17

All documents relating to, or Communications with, Rachael Hughes, or any companies or entities owned, controlled, affiliated with or used by Rachael Hughes, relating to eBay's Affiliate Marketing Program including, but not limited to, any agreements with Rachael Hughes and company and any technology transferred to or from Rachael Hughes and company.

Response to Request for Production No. 17:

Objection. This request is compound, vague and ambiguous. Defendant further objects because the identity of Rachel Hughes and company is unknown to Defendant and/or within Plaintiff's control. Defendant reserves all other appropriate objections until Plaintiff properly identifies the referenced persons/entities. Further, Defendant incorporates the above Preliminary Statement herein by reference in full.

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REQUEST FOR PRODUCTION NO. 18

All documents sufficient to describe all phone numbers, email addresses, web pages, instant messenger or mail accounts and social network accounts maintained, formerly maintained or registered to DPS.

Response to Request for Production No. 18:

Objection. This request, including the use of the definition provided for "DPS," is vague and ambiguous, overbroad, compound, and unduly burdensome and oppressive. Defendant further objects because this request may be construed to seek the production and inspection of documents which are privileged from disclosure by the attorney-client relationship and/or the attorney work product doctrine. Defendant further objects because this demand may be construed to seek the production and inspection of documents which contain proprietary/confidential information. Defendant further objects because this request seeks the production of documents which are neither relevant to the subject matter of this action, nor likely to lead to the discovery of admissible evidence. Defendant further objects because Mr. Hogan, as the sole shareholder of Defendant and the only person with authority to verify responses on the corporation's behalf, has invoked his privilege against self incrimination under the Fifth Amendment to the United States Constitution; the Federal Rules of Evidence, Rule 501; the California Constitution, Article 1, Section 15; and California Evidence Code section 940. Further, Defendant incorporates the above Preliminary Statement herein by reference in full.

REQUEST FOR PRODUCTION NO. 19

Documents sufficient to identify any Aliases used by DPS in any Internet Forum at or within which DPS discussed any aspect of their participation in, manipulation of or interaction with eBay's Affiliate Marketing Program, or any other Affiliate Marketing Programs, including, but not limited to, forums such as blogs, listservs, Usenet newsgroups or chat rooms.

Response to Request for Production No. 19:

Objection. This request, including the use of the definitions provided for "DPS" and "eBay" is vague and ambiguous, overbroad, and unduly burdensome and oppressive. Defendant further objects because this request is compound, and argumentative with respect to the term "manipulation." Defendant further objects because this request may be construed to seek the production and inspection of documents which are privileged from disclosure by the attorney-client relationship and/or the attorney work product doctrine. Defendant further objects because this demand may be construed to seek the production and inspection of documents which contain proprietary/confidential information. Defendant further objects because this request seeks the production of documents which are neither relevant to the subject matter of this action, nor likely to lead to the discovery of admissible evidence. Defendant further objects because Mr. Hogan, as the sole shareholder of Defendant and the only person with authority to verify responses on the corporation's behalf, has invoked his privilege against self incrimination under the Fifth Amendment to the United States Constitution; the Federal Rules of Evidence, Rule 501; the California Constitution, Article 1, Section 15; and California Evidence Code section 940. Further, Defendant incorporates the above Preliminary Statement herein by reference in full.

REQUEST FOR PRODUCTION NO. 20

Documents sufficient to identify any Internet Forum at or within which DPS discussed any aspect of their participation in, manipulation of or interaction with eBay's Affiliate Marketing Programs, or any other Affiliate Marketing Programs, including, but not limited to, forums such as blogs, listservs, Usenet newsgroups or chat rooms.

Response to Request for Production No. 20:

Objection. This request, including the use of the definitions provided for "DPS" and "eBay" is vague and ambiguous, overbroad, compound, and unduly burdensome and oppressive. Defendant further objects because this request is compound, and argumentative with respect to the term "manipulation." Defendant further objects because this request may be construed to seek the production and inspection of documents which are privileged from disclosure by the attorney-client relationship and/or the attorney work product doctrine. Defendant further objects because this demand may be construed to seek the production and inspection of documents which contain proprietary/confidential information. Defendant further objects because this request seeks the production of documents which are neither relevant to the subject matter of this action, nor likely to lead to the discovery of admissible evidence. Defendant further objects because Mr. Hogan, as the sole shareholder of Defendant and the only person with authority to verify responses on the corporation's behalf, has invoked his privilege against self incrimination under the Fifth Amendment to the United States Constitution; the Federal

Rules of Evidence, Rule 501; the California Constitution, Article 1, Section 15; and California Evidence Code section 940. Further, Defendant incorporates the above Preliminary Statement herein by reference in full.

REQUEST FOR PRODUCTION NO. 21

Documents sufficient to identify all internet service providers (ISPs) and IP addresses used by DPS.

Response to Request for Production No. 21:

Objection. This request, including the use of the definition provided for "DPS," is vague and ambiguous, overbroad, compound, and unduly burdensome and oppressive. Defendant further objects because this request seeks the production of documents which are neither relevant to the subject matter of this action, nor likely to lead to the discovery of admissible evidence. Defendant further objects because Mr. Hogan, as the sole shareholder of Defendant and the only person with authority to verify responses on the corporation's behalf, has invoked his privilege against self incrimination under the Fifth Amendment to the United States Constitution; the Federal Rules of Evidence, Rule 501; the California Constitution, Article 1, Section 15; and California Evidence Code section 940. Further, Defendant incorporates the above Preliminary Statement herein by reference in full.

REQUEST FOR PRODUCTION NO. 22

Documents sufficient to identify all computers, servers, electronic data storage and hosting companies, entities, or facilities used by DPS.

Response to Request for Production No. 22:

Objection. This request, including the use of the definition provided for "DPS," is vague and ambiguous, overbroad, compound, and unduly burdensome and oppressive. Defendant further objects because this request seeks the production of documents which are neither relevant to the subject matter of this action, nor likely to lead to the discovery of admissible evidence. Defendant further objects because Mr. Hogan, as the sole shareholder of Defendant and the only person with authority to verify responses on the corporation's behalf, has invoked his privilege against self incrimination under the Fifth Amendment to the United States Constitution; the Federal Rules of Evidence, Rule 501; the California

Constitution, Article 1, Section 15; and California Evidence Code section 940. Further, Defendant incorporates the above Preliminary Statement herein by reference in full.

REQUEST FOR PRODUCTION NO. 23

Documents sufficient to identify any entity used or hired to maintain or restore electronic data or systems relating to DPS's participation in, manipulation of or interaction with eBay's Affiliate Marketing Program.

Response to Request for Production No. 23:

Objection. This request, including the use of the definitions provided for "DPS" and "eBay," is vague and ambiguous, overbroad, and unduly burdensome and oppressive. Defendant further objects because this request is compound, and argumentative with respect to the term "manipulation." Defendant further objects because Mr. Hogan, as the sole shareholder of Defendant and the only person with authority to verify responses on the corporation's behalf, has invoked his privilege against self incrimination under the Fifth Amendment to the United States Constitution; the Federal Rules of Evidence, Rule 501; the California Constitution, Article 1, Section 15; and California Evidence Code section 940. Further, Defendant incorporates the above Preliminary Statement herein by reference in full.

REQUEST FOR PRODUCTION NO. 24

Documents sufficient to identify software used to clean, reformat or erase hard-drives used by DPS, or any equipment owned, used or maintained by DPS.

Response to Request for Production No. 24:

Objection. This request, including the use of the definition provided for "DPS," is vague and ambiguous, compound, overbroad, and unduly burdensome and oppressive. Defendant further objects because Mr. Hogan, as the sole shareholder of Defendant and the only person with authority to verify responses on the corporation's behalf, has invoked his privilege against self incrimination under the Fifth Amendment to the United States Constitution; the Federal Rules of Evidence, Rule 501; the California Constitution, Article 1, Section 15; and California Evidence Code section 940. Further, Defendant incorporates the above Preliminary Statement herein by reference in full/

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REQUEST FOR PRODUCTION NO. 25

All documents sufficient to identify all business entities or fictitious business names currently or formerly maintained by DPS.

Response to Request for Production No. 25:

Objection. This request, including the use of the definition provided for "DPS," is vague and ambiguous, overbroad, compound, and unduly burdensome and oppressive. Defendant further objects because this request may be construed to seek the production and inspection of documents which are privileged from disclosure by the attorney-client relationship and/or the attorney work product doctrine. Defendant further objects because this demand may be construed to seek the production and inspection of documents which contain proprietary/ confidential information. Defendant further objects because this request seeks the production of documents which are neither relevant to the subject matter of this action, nor likely to lead to the discovery of admissible evidence. Defendant further objects because Mr. Hogan, as the sole shareholder of Defendant and the only person with authority to verify responses on the corporation's behalf, has invoked his privilege against self incrimination under the Fifth Amendment to the United States Constitution; the Federal Rules of Evidence, Rule 501; the California Constitution, Article 1, Section 15; and California Evidence Code section 940. Further, Defendant incorporates the above Preliminary Statement herein by reference in full.

REQUEST FOR PRODUCTION NO. 26

All documents relating to the incorporation of DPS.

Response to Request for Production No. 26:

Objection. This request, including the use of the definition provided for "DPS," is vague and ambiguous, compound, overbroad, and unduly burdensome and oppressive. Defendant further objects because Mr. Hogan, as the sole shareholder of Defendant and the only person with authority to verify responses on the corporation's behalf, has invoked his privilege against self incrimination under the Fifth Amendment to the United States Constitution; the Federal Rules of Evidence, Rule 501; the California Constitution, Article 1, Section 15; and California Evidence Code section 940. Further, Defendant incorporates the above Preliminary Statement herein by reference in full.

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REQUEST FOR PRODUCTION NO. 27

All documents filed by DPS with any Secretary of State.

Response to Request for Production No. 27:

Objection. This request, including the use of the definition provided for "DPS," is vague and ambiguous, compound, overbroad, and unduly burdensome and oppressive. Defendant further objects because Mr. Hogan, as the sole shareholder of Defendant and the only person with authority to verify responses on the corporation's behalf, has invoked his privilege against self incrimination under the Fifth Amendment to the United States Constitution; the Federal Rules of Evidence, Rule 501; the California Constitution, Article 1, Section 15; and California Evidence Code section 940. Further, Defendant incorporates the above Preliminary Statement herein by reference in full.

REQUEST FOR PRODUCTION NO. 28

Documents sufficient to show the structure and organization of DPS and all companies or other entities owned or controlled by DPS that were involved in or interacted with any Affiliate Marketing Program.

Response to Request for Production No. 28:

Objection. This request, including the use of the definition provided for "DPS," is vague and ambiguous, overbroad, compound, and unduly burdensome and oppressive. Defendant further objects because this request may be construed to seek the production and inspection of documents which are privileged from disclosure by the attorney-client relationship and/or the attorney work product doctrine. Defendant further objects because this demand may be construed to seek the production and inspection of documents which contain proprietary/ confidential information. Defendant further objects because this request seeks the production of documents which are neither relevant to the subject matter of this action, nor likely to lead to the discovery of admissible evidence. Defendant further objects because Mr. Hogan, as the sole shareholder of Defendant and the only person with authority to verify responses on the corporation's behalf, has invoked his privilege against self incrimination under the Fifth Amendment to the United States Constitution; the Federal Rules of Evidence, Rule 501; the California Constitution, Article 1, Section 15; and California Evidence Code section 940. Further, Defendant incorporates the above Preliminary Statement herein by reference in full.

REQUEST FOR PRODUCTION NO. 29

Documents sufficient to identify all employees, contractors or temporary employees of DPS, their dates of employment, duties, salary and any other compensation.

Response to Request for Production No. 29:

Objection. This request, including the use of the definition provided for "DPS," is vague and ambiguous, overbroad, and unduly burdensome and oppressive. Defendant further objects because this request seeks the production of documents which are neither relevant to the subject matter of this action, nor likely to lead to the discovery of admissible evidence. Defendant further objects to this request on the ground that it violates privacy rights of third parties. Defendant further objects because this demand may be construed to seek the production and inspection of documents which contain proprietary/ confidential information. Defendant further objects because Mr. Hogan, as the sole shareholder of Defendant and the only person with authority to verify responses on the corporation's behalf, has invoked his privilege against self incrimination under the Fifth Amendment to the United States Constitution; the Federal Rules of Evidence, Rule 501; the California Constitution, Article 1, Section 15; and California Evidence Code section 940. Further, Defendant incorporates the above Preliminary Statement herein by reference in full.

REQUEST FOR PRODUCTION NO. 30

All documents constituting DPS's annual, quarterly and monthly audited, compiled, reviewed or unaudited financial statements, including all income statements and balance sheets of DPS.

Response to Request for Production No. 30:

Objection. This request, including the use of the definition provided for "DPS," is vague and ambiguous, overbroad, and unduly burdensome and oppressive. Defendant further objects because this request seeks the production of documents which are neither relevant to the subject matter of this action, nor likely to lead to the discovery of admissible evidence. Defendant further objects because this demand may be construed to seek the production and inspection of documents which contain confidential financial information, trade secrets/other proprietary information, and violates Defendant's right to privacy. Defendant further objects because Mr. Hogan, as the sole shareholder of Defendant and the only person with authority to verify responses on the corporation's behalf, has invoked his privilege against self incrimination under the Fifth Amendment to the United States Constitution; the Federal Rules of Evidence, Rule 501; the California Constitution, Article 1, Section 15; and California Evidence Code section 940. Further, Defendant incorporates the above Preliminary Statement herein by reference in full.

REQUEST FOR PRODUCTION NO. 31

All documents sufficient to identify all assets and financial accounts (including those outside of the United States) maintained or formerly maintained by DPS.

Response to Request for Production No. 31:

Objection. This request, including the use of the definition provided for "DPS," is vague and ambiguous, overbroad, and unduly burdensome and oppressive. Defendant further objects because this request seeks the production of documents which are neither relevant to the subject matter of this action, nor likely to lead to the discovery of admissible evidence. Defendant further objects because this demand may be construed to seek the production and inspection of documents which contain confidential financial information, trade secrets/other proprietary information, and violates Defendant's right to privacy. Defendant further objects because Mr. Hogan, as the sole shareholder of Defendant and the only person with authority to verify responses on the corporation's behalf, has invoked his privilege against self incrimination under the Fifth Amendment to the United States Constitution; the Federal Rules of Evidence, Rule 501; the California Constitution, Article 1, Section 15; and California Evidence Code section 940. Further, Defendant incorporates the above Preliminary Statement herein by reference in full.

REQUEST FOR PRODUCTION NO. 32

Documents constituting DPS's corporate tax returns for the years 2003 to the present.

Response to Request for Production No. 32:

Objection. This request, including the use of the definition provided for "DPS," is vague and ambiguous, overbroad, and unduly burdensome and oppressive. Defendant further objects because this request seeks the production of documents which are neither relevant to the subject matter of this action, nor likely to lead to the discovery of admissible evidence. Defendant further objects because this demand may be construed to seek the production and inspection of documents which contain confidential financial information, trade secrets/other proprietary information, and violates Defendant's right to privacy. Defendant further objects because Mr. Hogan, as the sole shareholder of Defendant and the only person with authority to verify responses on the corporation's behalf, has invoked his privilege against self incrimination under the Fifth Amendment to the United States Constitution; the Federal Rules of Evidence, Rule 501; the California Constitution, Article 1, Section 15; and California Evidence Code section 940. Further, Defendant incorporates the above Preliminary Statement herein by reference in full.

REQUEST FOR PRODUCTION NO. 33

All documents relating to the transfer or assumption of any liability by DPS.

Response to Request for Production No. 33:

Objection. This request, including the use of the definition provided for "DPS," is vague and ambiguous, overbroad, and unduly burdensome and oppressive. Defendant further objects because this request may be construed to seek the production and inspection of documents which are privileged from disclosure by the attorney-client relationship and/or the attorney work product doctrine. Defendant further objects because this demand may be construed to seek the production and inspection of documents which contain confidential financial information and/or violates Defendant's right to privacy. Defendant further objects because this request is overbroad and seeks the production of documents which are neither relevant to the subject matter of this action, nor likely to lead to the discovery of admissible evidence. Defendant further objects because Mr. Hogan, as the sole shareholder of Defendant and the only person with authority to verify responses on the corporation's behalf, has invoked his privilege against self incrimination under the Fifth Amendment to the United States Constitution; the Federal Rules of Evidence, Rule 501; the California Constitution, Article 1, Section 15; and California Evidence Code section 940. Further, Defendant incorporates the above Preliminary Statement herein by reference in full.

REQUEST FOR PRODUCTION NO. 34

All documents relating to any insurance policies relevant to this action.

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Response to Request for Production No. 34:

Objection. This request, including the use of the definition provided for "DPS," is vague and ambiguous, overbroad, and unduly burdensome and oppressive. Defendant further objects because this request may be construed to seek the production and inspection of documents which are privileged from disclosure by the attorney-client relationship and/or the attorney work product doctrine. Defendant further objects because Mr. Hogan, as the sole shareholder of Defendant and the only person with authority to verify responses on the corporation's behalf, has invoked his privilege against self incrimination under the Fifth Amendment to the United States Constitution; the Federal Rules of Evidence, Rule 501; the California Constitution, Article 1, Section 15; and California Evidence Code section 940. Further, Defendant incorporates the above Preliminary Statement herein by reference in full.

DATED: March 12, 2009

COAST LAW GROUP LLP

By: ______________________
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and Digital Point Solutions, Inc.